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BEFORE THE

HOUSE COMMITTEE ON

NATIONAL SECURITY, EMERGING THREATS, AND INTERNATIONAL
RELATIONS

HEARING ON COMBATING TERRORISM: LESSONS LEARNED FROM LONDON

SEPTEMBER 19, 2006

Mr. Chairman, distinguished members of the committee, thank you for inviting me to speak to you today about the lessons learned from the recent arrests in London of individuals suspected of plotting to detonate explosive devices aboard U.S. airlines transiting to the United States. I request that my testimony be entered into the record as I will offer brief opening remarks to allow time for a thorough discussion of the issue.

As the former Chief of Staff of the Office of Intelligence at the Department of Homeland Security (DHS) and now a policy analyst at the Congressional Research Service (CRS), I was fortunate to have the experience of traveling on the morning of August 10th. I say fortunate in that for most of the previous Homeland Security Advisory System alert level changes, I was involved in the threat assessment and notification phase of the advisory system and had never experienced the operational implementation efforts that accompany these announcements. The experience was both educational and rewarding as the situation I found myself allowed me to reflect on issues related to this latest threat stream and observe first hand the professionalism and

efficiency at which the TSA screeners were implementing rules they had just learned of a few hours.

As I progressed through my day's travels a number of thoughts occurred to me regarding issues relating to this latest threat stream and efforts the United States has undertaken in the five years since 9/11 and the three and one-half years since the establishment of Department of Homeland Security. Based on the details regarding this latest terrorist plot concerning the use of liquid-based explosives to destroy multiple aircraft and kill thousands of passengers, I wondered why other modes of transportation, specifically rail lines, the most attacked target in the post 9/11 environment, were not included in the raising of the alert level. I also wondered if state and local communities and the private sector were apprised of the generalities of this threat stream during the early stages of the United Kingdom's notification to the U.S. of this terrorist cell's intention to use this type of device or as in past alert level changes were notification calls made concurrently, or just prior, to the change in the Homeland Security Advisory System, thus

placing the entities that safeguard the homeland in a reactive, rather than proactive, mode? Were the Nation's governors, metropolitan city mayors, and industry leaders apprised of this latest threat stream in a manner that allowed them to recognize irregularities before and after the alert level change and possibly assist in recognizing plans for an attack here in the homeland? While recognizing the need for investigative and operational security, five years post 9/11 the federal government continues to question and concerns persist regarding the role state, local, and private sector leadership can and should play in providing information and assistance during times of normal and heightened threat levels.

Though much of the information regarding the investigation and intelligence gathering efforts relating to the London threat stream remains classified, information gleaned through open-source and individual research allows for an early assessment as to the lessons learned, areas of success, and issues possibly requiring additional focus.

As we sit here with flights originating from the United Kingdom and U.S. domestic flights still designated as High risk, or Orange, in this testimony I would like to briefly discuss three points that may be useful in attempting to assess lessons learned from London and related U.S. national security efforts.

- First, the United Kingdom's investigation and the United States response
- Secondly, is the United States response to the London threat stream a model for future success?
- Lastly, are local communities, where the terrorist's plot, plan, and undertake actions toward carrying-out a terrorist attack adequately involved in the Nation's counterterrorism efforts?

The United Kingdom's investigation and the United States response

On the evening of August 9th, 2006, (Eastern Standard Time) British authorities arrested 24 individuals ranging in age from 17 to 36 years old. Some have suggested these arrests came as the terrorist cell was very close to the point of execution while others have suggested the plot was still in the planning stages as airline reservations had not been made and two of the members did not have passports. Peter Clarke, chief of counterterrorism of the London Metropolitan Police stated that they were still trying to ascertain the basics of the terrorist intentions, “the number, destination, and timing of the flights that might be attacked.” Others wondered whether any of the suspects were technically capable of assembling the devices and detonating the liquid explosives while aboard an airplane.

The individuals arrested in London were known to the authorities over a year ago as the result of numerous tips by neighbors after the July 2005 London suicide train bombings. These

local East London neighborhood tipsters were concerned about the intentions of a small group of angry young men. Only after authorities were alerted about these individuals by local citizenry, did the initial investigations yielding results whereby Britain's domestic intelligence service, MI-5, initiated a year-long investigation. This investigation significantly intensified over the Summer of 2006 including using human and technical collection efforts, including those of the U.S. intelligence community. The urgency was the result of the United Kingdom learning in the two weeks preceding August 10th that the cell may be conspiring to bring board an explosive device on United States airliners transiting from the United Kingdom to the United States. Much like the ammonium nitrate fuel oil (ANFO) mixture that has been used in numerous terrorist attacks including the bombing of the Oklahoma City Murray federal building in April 1995, the liquid-based explosive device to be used onboard the airlines by this terrorist cell have a history of use and attempted use.¹

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Peroxide-based liquid explosives are used by Palestinian terrorist groups, were the favorite of Ramzi Yousef, were contained in the material Ahmed Ressam (millennium bomber) had in the trunk of his car, was part of the device British shoe-bomber Richard Reid attempted to detonate, and was used in the suicide bombs against restaurants, hotels, and other facilities in Casablanca, Morocco in May, 2003.

During the post-arrest investigation it is reported several martyrdom videos were discovered. The motivation of one of the purported leaders of the cell is reported to be the “seeking of revenge for the foreign policy of the United States, and their accomplices the United Kingdom and the Jews.” In the martyrdom video this cell member demands other Muslims join the jihad as “the killing of innocent civilians in America and other Western countries is justified because they supported the war against Muslims and were too busy enjoying their Western lifestyles to protest their (countries) policies.” Another cell member during his martyrdom video stated that “the war against Muslims in Iraq and Afghanistan motivated him to act.” It is reported that the majority of these cell members, most second or third generation British citizens, recently converted to Islam. United States and British authorities are still attempting to determine who provided financial and technical support to the cell and have yet to determine that a connection to al-Qaeda exists, while conceding that at least one of the suspects inspiration was drawn from al-Qaeda.

Is the United States response to the London threat stream a model for future success?

Department of Homeland Security Secretary Chertoff and other administration officials have stated that this was a remarkable example of coordination between two countries and that of the U.S. inter-agency councils. And while international and federal government coordination efforts are an example of success, a question remains whether the uniqueness of this United Kingdom-based terrorist plot lends to a model for future United States counterterrorism success?

With civil aviation receiving a great deal of attention, resources, and deployed assets to counter the threat, can we expect the same level of security when a credible threat is directed against a less secure sector? Are we confident future terrorist cells located internationally will continue to be detected by neighborhood community members? Will United States homegrown terrorists with or without transnational connections be recognized and detected by our international partners or the Nation's state, local, private sector, and community organizations? And while the U.S. flagged air carriers and state, local, and private sector entities were notified of the cells

purported plans early the morning of August 10th, when the alert level change was announced, a question remains whether this is the most effective threat notification model to follow for future credible threat streams that may involve a less secure sector of our society. Recognizing the ever-present balance between operational security of the ongoing investigation, the potential for future intelligence gleaned from the suspect activity and the need to safeguard the homeland, at what point should the scale's tip to earlier involve affected state, local, private sector leadership with a recognition that the indicators of future attacks will initially be noticed in neighborhoods and communities? If such an early notification model were in place that recognized the value of the information gathered in the local community, which agency in the federal government is charged with compiling these seemingly disparate surveillance reports, suspicion of individuals or groups being radicalized, or general community irregularities to allow for a comprehensive national threat picture that is contextually relevant and responsive to the ebb and flow of threats directed at our Nation?

Included in the post London threat stream assessment has been a renewed discussion of whether the United States should consider an MI-5 domestic intelligence like structure. The distinction being the United States construct of the FBI being the lead federal government agency for law enforcement and domestic intelligence vice England's organizational separation of domestic intelligence (MI-5) and criminal investigation(Scotland Yard's Special Branch).

Viewpoints vary whether an MI-5 construct whereby a purely domestic intelligence organization that cannot initiate enforcement activities or arrest suspects and is separate from the counterterrorism law enforcement agency would benefit United States domestic counterterrorism efforts. On one hand there are those that state an investigative agency, such as the FBI, does not have or can be expected to gain the expertise and patience required to gather intelligence and place this data in non-investigative context and will always struggle between the tension of making a case for prosecutorial purposes and collecting intelligence for purposes of detecting and thwarting future attacks. Others argue that separating federal domestic investigative and intelligence activities would re-create a new information sharing wall between

these two entities. Also, terrorist organizations may be the focus of both the investigative and intelligence agencies, resulting in duplication of resources, a greater likelihood that the individuals under suspicion will become aware they are being scrutinized, and a delay in resolving differences regarding future actions, conducting an arrest or allowing the intelligence gathering program to continue, will cause a vulnerability seam which the terrorists could exploit.

Lastly, are local communities, where the terrorist's plot, plan, and undertake actions toward carrying-out a terrorist attack adequately involved in the Nation's counterterrorism efforts?

Since September 11th, 2001, most terrorist attacks and plans have been conceived and carried out by citizens born in the country in which they reside and who have had little if any transnational contact with al-Qaeda or other terrorist organizations. Secretary Chertoff of the Department of Homeland Security recently noted that "while we continue to concentrate on al-

Qaeda as perhaps the highest consequence threat, we're beginning to look at other threats as well because we need to analyze whether the ideology of hatred that animates al-Qaeda is beginning to affect other groups and other people.” Homegrown terrorist threats, whether having transnational connections or not are likely to be initially detected by private citizens and local law enforcement that have an in-depth understanding of their community in which they work and reside. Should a suspicious incident or initial investigation result in a concern for terrorist activity, local law enforcement routinely brings this to the attention of the Federal Bureau of Investigation and depending on the significance of the issue other intelligence community organizations may be asked to assist.

In viewing this latest threat stream through the standard criminal prism of motive, means, and opportunity, future scenarios can be projected regarding how local communities could assist the Nation’s counterterrorism efforts. With motive a given, to do harm to the United States, the means in the instance of the London threat stream was the use of liquid explosives to target

multiple airplanes and the general timing of an attack could be narrowed down to known flight times with the target location being flights originating from London to the United States. Though this was certainly not perfect intelligence, the specifics of the plan known to United Kingdom and United States authorities far exceeds the specificity of the vast majority of information normally assessed regarding threats to United States national security. The knowledge of the location, type, and general timing of the potential attack and the ability to safeguard the target and passengers due to post 9/11 civil aviation safeguards far exceed the scenarios we will most likely face in the future. As suggested earlier, the uniqueness of this particular plot might not be the best model from which to base future security measures the United States undertakes to safeguard our Nation.

To take the London threat stream example and overlay it onto the threat streams encountered the majority of the time, one could project the notion of foreign or U.S. intelligence and law enforcement agencies collecting or receiving extremely credible information with

respect to the viability of the threat, but lacking specificity as to the target location or device used. In taking this historically based example further, what if this credible information pointed to an explosive device to be used against a subway, university gathering, or other crowded activity, without the luxury of knowing the general time frame of the attack as was the case with the London to U.S. flight schedules. Would we have been as equally as prepared and has the same level of information sharing and inter-agency success as discussed earlier? Certainly a raising of the homeland security alert level would convey the threat and known information to those organizations and individuals deemed at risk and would contain the standard request that accompanies the announcement asking the recipients to report any suspicious behavior.

However, given the lack of granularity with regards to target location and approximate timing of attack, intelligence community technical collection assets would be of little use and state and local recipients of the threat notification would be at a loss for what look for in this heightened threat environment. While the decision of the Governor's of the States of California, Massachusetts, New Jersey to deploy National Guard troops to airports or increase police

presence at trains and bus stations throughout the State can possibly be viewed as an effective deterrent, what can and should we ask the citizens of a State or local community do during times of normal and increased threat levels and how can the federal government support such actions?

Due to the innumerable locations that an attack might occur, federal, state, and local law enforcement assets cannot be expected to secure and safeguard all facilities. How do we account for this vulnerability gap? Should we expect the citizens in local communities who would be the first to recognize something is amiss to increase awareness and alert officials of their concerns and if so, how might federal government support such efforts?. I am not proposing a deputization of private citizens thus taking steps toward an Orwellian type society whereby our privacy and civil liberties are placed at risk. Rather an enhanced federal government outreach, training, and awareness effort with the states, local communities, and the private sector, borrowing from Department of Defense terminology, being viewed as force multipliers in safeguarding the Nation and providing the heretofore missing domestic intelligence dots. Such a Homeland Security Citizens Corps would allow for increased community awareness in safeguarding

America and could be based on the national neighborhood watch program whereby organizations and citizens obtain information on the community in which they belong and are given thresholds to report information. Just as many of us who ride the Metro on a daily basis are asked to voluntarily report on items of concern, “if you see something - say something,” individuals that best know their environment would be informed on the latest terrorist trends and reporting criteria. A precedent for much smaller scale community-oriented programs currently exists in the Federal Bureau of Investigation and Department of Homeland Security;

- Department of Homeland Security sponsors the Highway Watch Program which trains highway professionals to identify and report safety and security concerns on our nation's roads. The program provides training to prepare hundreds of thousands of transportation professionals to share valuable intelligence with Homeland Security if they detect potential threats.

- As a part of the Highway Watch Program, the Department of Homeland Security

also initiated a School Bus Watch Program that delivers anti-terrorism,

community awareness, and reporting threshold training to the Nation's school

bus drivers.
- Department of Homeland Security Critical infrastructure protections specialists

visit and train employees of infrastructure sector facilities on signs of

surveillance, trends in unusual activity, and reporting thresholds and criteria.
- Federal Bureau of Investigation outreach programs to family centered

organizations such as the Boys and Girls Clubs of America, National Family

Partnership and the Red Ribbon Campaign, and the Race Against Drugs.

The focus of these programs is to empower those that are familiar with their local environment and as a course of conducting their daily activities have the opportunity to spot irregularities. Much like the police officers who attend the monthly neighborhood watch meeting I attend to discuss the latest trends in local crime and what citizens can do to assist in detection and prevention, like forums can be established, during normal and heightened threat periods, by the FBI and DHS to discuss local and national threat trends, what suspicious activity looks like, and who to contact should the need arise. Just like the DHS and FBI programs mentioned earlier, this Homeland Security Citizen Corps effort can be manifested in the form of education, training, and outreach. Brief examples of activity generally not initially detected by federal law enforcement or intelligence agencies, or in some instances not detected by state and local law enforcement efforts, but could be included in individual citizen awareness programs, include;

- Warning signs of those espousing radical ideals accompanied by preparatory efforts toward violence
- Signs of attempted recruitment and influence of neighborhood youth by those demonstrating radical ideology
- Trends in activities commonly accompanying groups focused on harming the United States

Of course, a significant component of any federal-local outreach effort would entail oversight to ensure that a Homeland Security Citizen Corps like entity would not infringe upon individual civil liberties or rights.

The Department of Homeland Security, the more than 100 Federal Bureau of Investigation Joint Terrorism Task Forces, and the ever-growing establishment of state

and local fusion centers spend a great deal of energy and resources in interacting with local police departments, state and local government entities, and in a more limited manner the private sector. However, an information vulnerability gap exists regarding data that originates from private citizens in local communities concerning possible terrorist related activity that has yet to rise to the level of federal authorities. We might ask how can we expect citizens and communities to play a part in securing the Nation if we have not given them the awareness to do so? Just as the current threat stream investigative efforts were initiated by a tip from private citizens as to the peculiarities and actions of the members of the London terrorist cell, numerous examples exist that demonstrate the necessity for enhanced state, local, private sector focused awareness and coordination efforts with the federal government to detect the early signs of possible terrorist-related activities occurring in local communities.

Examples of citizens providing tips to police to initiate investigations and intelligence

collection efforts include;

- Peculiar flight training requests of some of the 9/11 hijackers
- A Canadian-born Muslim man volunteering to be a police

informant in June 2006 to assist in ascertaining the terrorist plot to carry-out attacks in Ontario, Canada.

- The recent arrest of the Miami cell reportedly targeting the Sears Tower and a Miami federal building was discovered when one of the cell-members contacted an acquaintance, who happened to be an FBI informant, to request assistance in “conducting a jihad.”
- Mass transit bombings in Madrid, 2003 and in London, 2005 were carried out by cells of homegrown extremists lacking transnational

connections. After these attacks individuals living in the

neighborhood in which some of the cell members resided stated

that they were aware of the group's suspicious activities.

- In June 2001, the FBI received an anonymous tip that six Yemeni-Americans from Lackawanna, New York had been recruited by al-Qaeda and had attended a terrorist training camp in Afghanistan before 9/11.

In closing, whether one ascribes to the belief that corporate al-Qaeda is continually reconstituting with the objective of carrying out a catastrophic attack on America or the Nation will soon experience deadly attacks by those ideologically aligned, but not organizationally connected to al-Qaeda; past terrorist planning efforts, such as those that have been successfully carried out since 9/11, including the most recent

London threat stream, offer a lesson that citizens in their local communities are likely to first recognize the signs of terrorist activity.

Mr. Chairman, distinguished members of the committee, this concludes my opening remarks and look forward to the committee's questions.